

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION

JORGE ALBERTO MARTINEZ	§	
VS.	§	CIVIL ACTION NO.5:14-CV-20
SCOTT YOUNG, WARDEN	§	

MEMORANDUM ORDER OVERRULING OBJECTIONS AND  
ADOPTING THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

Petitioner, Jorge Alberto Martinez, an inmate confined at FCI Texarkana, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The Court referred this matter to the Honorable Caroline Craven, United States Magistrate Judge, at Texarkana, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends the petition be denied on the merits.

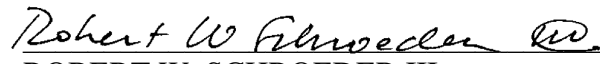
The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, and pleadings. Petitioner filed objections to the Report and Recommendation of United States Magistrate Judge. This requires a *de novo* review of the objections in relation to the pleadings and applicable law. *See* FED. R. CIV. P. 72(b).

After careful consideration, the Court finds the objections lacking in merit. As outlined by the Magistrate Judge, there is no constitutionally protected right to representation in a prison disciplinary hearing. *Arceneaux v. Pearson*, 449 F. App’x 396, 398 (5th Cir. 2011) (not designated for publication) (citing *Morgan v. Quarterman*, 570 F.3d 663, 668 (5th Cir. 2009)). *Wolff* held that an inmate should be allowed to seek the assistance of a fellow inmate or staff member if the inmate is illiterate or the issues in the case are complex. *Id.* (citing *Wolff v. McDonnell*, 418 U.S. 539, 563-66 (1974)). Petitioner is not illiterate and the issues in this case are not complex. As a result, petitioner was not entitled to a staff representative and thus has no right to complain of the effectiveness of that staff representative. Petitioner also had the opportunity to request a

continuance at the DHO hearing in order to obtain the evidence he alleges his staff representative failed to obtain but did not do so. The record reflects, at the time of the DHO hearing, petitioner stated he had no witnesses or documentary evidence to present. Petitioner was afforded all due process under *Wolff*.

Accordingly, petitioner's objections are overruled. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

**SIGNED this 30th day of March, 2015.**

  
ROBERT W. SCHROEDER III  
UNITED STATES DISTRICT JUDGE